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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,960	10/30/2003	Wayne M. Hansen	14261	8478
7590	01/12/2005		EXAMINER	
PAUL F. DONOVAN ILLINOIS TOOL WORKS INC. 3600 WEST LAKE AVENUE GLENVEIW, IL 60025			MICHELL, KATHERINE W	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/696,960	HANSEN, WAYNE M.
	Examiner Katherine W. Mitchell	Art Unit 3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 October 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 October 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because it is over 150 words long.  
Correction is required. See MPEP § 608.01(b).

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the aperture must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Examiner notes that claim 1 lines 11-12 and claim 2 lines 8-9 recite "the head and the flanges of the fastener being constructed and arranged to define an aperture therebetween" ... thus requiring an aperture between the head and the flanges. The only flanges described to that point are flanges 22 and 24. The only aperture shown is "48" (fig 1). However, page 7 of the specification states that the head may have a structure such as flange 40, and page 8 discloses that that head may further include a pair of subflanges 44, 46 mounted above the flange 40. Thus the head necessarily includes the structure at 40 and above (to subflange 46) in Figs 1 and 4, and no aperture is shown between head and flanges 22 and 24.

3. The tab of claim 1 is also shown only in Fig 2 (tab 34), with no view showing the tab in any other Figure. Figs. 1 and 4 seem to clearly show the flanges 22 and 24 connected to head flange 40 without any tab, and examiner is unable to correlate the tab 34 in Fig 2 with respect to the structure in the other figures, especially considering that Fig 2 shows the tab apparently as the same structure as the shoulders 37 in Figs 1 and 4, and page 8 paragraph 26 seems to indicate that the flanges 22,24 are rigid at their shoulders 37.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

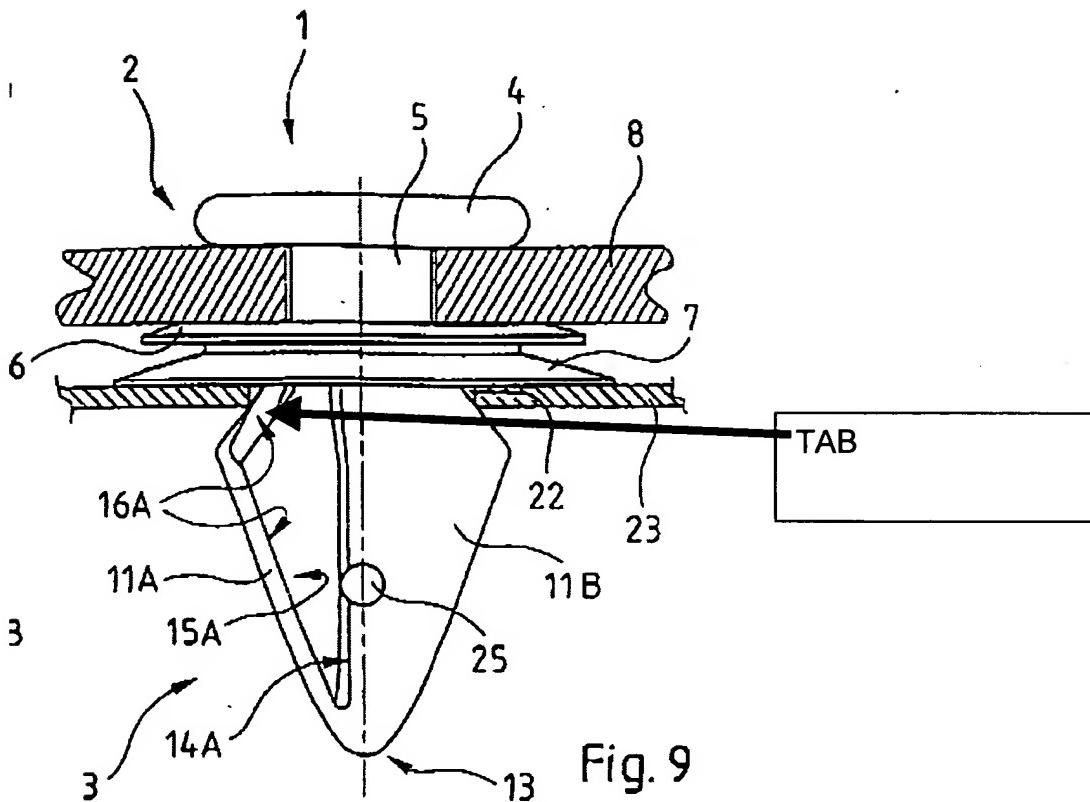
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-7 are rejected under 35 U.S.C. 102(b) as anticipated by Castro USP 6305055.

Re claims 1-3: As best understood by examiner, Castro teaches a fastener comprising:

- a shank (3) having a central portion with distal end (13) and base end (shown joining head 2 at collar 7) and a pair of curved flexible flanges (11A, 11B)



secured at a leading edge thereof to a central portion of the shank on opposing sides thereof (Figs 5-7, note that the central portion of the shank is considered all the shank except flanges 11A and 11B), the flanges curving away from the

central shank and the trailing edges of each flange generally unsupported and each of the flanges defining a shoulder adjacent the shank base end;

- a head secured to the base end of the shank central portion (note that the central portion of the shank is considered all the shank except flanges 11A and 11B), the head and flanges forming an aperture therebetween (gap between 4 and 6 in Fig 9) capable of receiving a panel 8
- a cored-out section formed into the central portion of the shank (area between 11a and 14a and between 11b and 14b), such that when the shank is inserted into a bore of a panel, the shank is capable of deforming toward the cored-out portion so as to lower the required insertion force. Note that inherently the flanges 11a and 11b are a part of the shank, thus their deformation toward the hollowed out part reduces the required force.

Further Re claim 1 and Re claim 3: As best understood (see drawing objections above) the top portion of the trailing edge of each flange is secured to the head of the fastener by a tab extending between the head and the flange. As best understood, it also appears that 14A or 14B could be considered a tab. Note that direct securement and extending directly between was not claimed.

Re claim 4: The head comprises at least one flange (collar 7 / shield 6, or face plate 4, are all flanges) secure to the base end in generally perpendicular relationship to said shank.

Re claim 6: The head is capable of being removably received and retained in a doghouse.

Re claims 5 and 7: Collar 7 / shield 6 comprise a laterally extending lip biased toward the fastener shank.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
7. Note that, subject to a further search, a positive recitation of structure that includes the claimed limitations along with the limitations that the central portion includes a cored-out section between the flanges and a central support, said central support further having an additional cored-out section, reads over the prior art of record.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 703-305-6713. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.  
  
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Katherine W Mitchell  
Art Unit 3677

Kwm  
1/3/2005

